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10/623,031	07/17/2003	Pantas Sutardja	MP0307	4479	
	7590 01/03/200 FICES OF ANDREW 1	7 D. FORTNEY, PH.D., P.C.	EXAM	INER	
401 W. FALLB	ROOK AVENUE	MALEK, LEILA			
SUITE 204 FRESNO, CA 9	93711-5835	ART UNIT	PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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		Application No.	Applicant(s)			
Office Action Summary		10/623,031	SUTARDJA ET AL.			
		Examiner	Art Unit			
		Leila Malek	2611			
The MAILING DATE of this co Period for Reply	mmunication app	ears on the cover sheet with the	correspondence add	ress		
A SHORTENED STATUTORY PER WHICHEVER IS LONGER, FROM - Extensions of time may be available under the properties of the state of the stat	THE MAILING DAY rovisions of 37 CFR 1.15 ris communication. cimum statutory period water for reply will, by statute months after the mailing	ATE OF THIS COMMUNICATION (36(a)). In no event, however, may a reply be will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDON	DN. timely filed om the mailing date of this com NED (35 U.S.C. § 133).			
Status						
<i>'</i> — ··	2b)⊠ This dition for allowar	ally 2003. action is non-final. nce except for formal matters, p fx parte Quayle, 1935 C.D. 11,		nerits is		
Disposition of Claims						
	is/are withdraw d to. restriction and/o by the Examine (2003 is/are: a) by objection to the	vn from consideration. r election requirement. r.	ee 37 CFR 1.85(a).	₹ 1.121(d).		
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
<u> </u>	e of: riority document riority document opies of the prior ernational Bureau	s have been received. s have been received in Applica rity documents have been recei u (PCT Rule 17.2(a)).	ation No ved in this National S	tage		
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Refail (PTO/Notice of Draftsperson's Patent Drawing Refail (PTO/Notice of Draftsperson) Notice of Draftsperson's Patent Drawing Refail (PTO/Notice of Draftsperson) Paper No(s)/Mail Date 07/17/2003 and 12/1	SB/08)	4) Interview Summa Paper No(s)/Mail 5) Notice of Informa 6) Other:	Date			

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DETAILED ACTION

Priority

1. Applicant's claim for the benefit of a prior-filed application under 35 U.S.C. 119(e) or under 35 U.S.C. 120, 121, or 365(c) is acknowledged.

Information Disclosure Statement

2. The information disclosure statements submitted on 07/17/2003 and 12/19/2003 have been considered and made of record by the examiner.

Drawings

3. Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes." etc.

The abstract is too long. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As to claim 1, limitation "said second set of filter characteristics being similar to said first set of filter characteristics" makes the claim vague and indefinite, because the Applicant does not specify which filter characteristics are similar.

Claims 2-29 depend on claim 1; therefore they are rejected as well.

6. Claims 30-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As to claim 30, limitation "each of said filtering steps using a similar or identical set of filter characteristics" makes the claim vague and indefinite, because the Applicant does not specify which filter characteristics are similar.

Claims 31-48 depend on claim 30; therefore they are rejected as well.

7. Claims 49-73 and 97-116 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject

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matter which applicant regards as the invention. As to claim 49, limitation "a second filter having filter characteristics similar to said first filter" makes the claim vague and indefinite, because the Applicant does not specify which filter characteristics are similar.

Claims 50-73 and 97-116 depend on claim 49; therefore they are rejected as well.

8. Claims 74-96 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As to claim 74, limitation "a second means for filtering having filter characteristics similar to the first means for filtering" makes the claim vague and indefinite, because the Applicant does not specify which filter characteristics are similar.

Claims 75-96 depend on claim 74; therefore they are rejected as well.

- 9. Claims 13 and 41 recite the limitation "said ideal filtered" on line 3. There is insufficient antecedent basis for this limitation in the claims.
- 10. Claim 37 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. As to claim 37, line 3, limitation "said set of filter characteristics" makes the claim vague and indefinite. Because it is not clear which filter characteristics (i.e. the first set of characteristics or the second set of characteristics) generate said filtered processed data sequence.

Claim Rejections - 35 USC § 101

11. 35 U.S.C. 101 reads as follows:

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Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-48 are rejected under 35 U.S.C. 101 because as to claims 1 and 30, the claimed invention is directed to non-statutory subject matter because as a whole it does not accomplish a practical application. In order to accomplish a practical application, it must produce a "useful, concrete and tangible result." (see MPEP 2106, under section II, Determine What Applicant Has Invented and is Seeking to Patent, subsection A, Identify and Understand Any Practical Application Asserted for the Invention.). Applicant in claims 1 and 30, recites an algorithm, however there is no practical application disclosed for this algorithm (i.e. as evidence by claims 17 and 44, claims 1 and 30 are directed to a set of executable instructions, therefore there is no tangible results).

Claims 2-29 and 31-48 depend on claims 1 and 30; therefore they are rejected as well.

Claims 17 and 44 are rejected under 35 U.S.C. 101 because: as to claims 17 and 44, the claimed invention is directed to non-statutory subject matter because as a whole it does not accomplish a practical application. In order to accomplish a practical application, it must produce a "useful, concrete and tangible result." (see MPEP 2106, under section II, Determine What Applicant Has Invented and is Seeking to Patent, subsection A, Identify and Understand Any Practical Application Asserted for the Invention.). Applicant in claims 17 and 44, claims a waveform (signal) which is not a statutory subject matter.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 12. Claims 1-3, 7, 8, 10, 12-14, 30, 32-36, 38, 40-42, 49-52, 58-61, 67, 71, 74-76, 82-86, 91, 93, 97-99, 106 and 109, 110, and 115, are rejected under 35 U.S.C. 102(b) as being anticipated by Alelyunas et al. (hereafter, referred as Alelyunas) (US 6,285,709).

As to claim 1, Alelyunas discloses a method for determining an adaptive algorithm (see column 2, last paragraph) for processing data, comprising the steps of: (a) processing (in lack of any further explanation, processing has been interpreted as filtering/equalizing) a data sequence in accordance with the adaptive algorithm (see Fig. 5, the abstract and column 2, last paragraph) to produce a processed data sequence (i.e. output of the equalizer 86); (b) filtering the data sequence with a first set of filter characteristics to generate a filtered data term for the adaptive algorithm (see linear equalizer); (c) generating a filtered error term (see error signal 94) for the adaptive algorithm from at least the processed data sequence using a second set of filter characteristics (i.e. the DFE equalizer 90), wherein the second set of filter characteristics being similar to the first set of filter characteristics (i.e. filters structures have been interpreted as filters characteristics; see column 4, lines 27-30); and (d)

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updating the adaptive algorithm in response to the filtered data term and the filtered error term (see Fig. 5 and column 2, last paragraph).

As to claim 30, Alelyunas discloses a method for determining an adaptive algorithm (see column 2, last paragraph) for processing data, comprising the steps of: (a) processing a data sequence in accordance with the adaptive algorithm (see Fig. 5, the abstract and column 2, last paragraph) to produce a processed data sequence (i.e. output of the equalizer 86); (b) filtering the data sequence to generate a filtered data term for the adaptive algorithm (see linear equalizer); (c) filtering an error term for the adaptive algorithm generated from at least the processed data sequence (see Fig. 5), each of the filtering steps using a similar set of filter characteristics (i.e. filter structures have been interpreted as filters characteristics; see column 4, lines 27-30); and (d) updating the adaptive algorithm in response to the filtered data term and the filtered error term (see Fig. 5 and column 2, last paragraph).

As to claims 49 and 74, Alelyunas discloses an apparatus, comprising: (a) an equalizer 86 configured to equalize a data sequence in accordance with an adaptive algorithm and provide an equalized data output (see the abstract and column 2, last paragraph); (b) a first filter (i.e. the combined FIR filter (filters 86 and 102), configured to receive the data sequence and generate a filtered data term for the adaptive algorithm; and (c) an error term circuit (see filters 90 and 108), configured to receive the equalized data output and provide a filtered error term 94 for the adaptive algorithm, the error term circuit comprising a second filter 90 having filter characteristics similar to the first filter

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(i.e. filters structures have been interpreted as filters characteristics; see column 4, lines 27-30).

As to claim 2, Alelyunas discloses that step (c) comprises convolving the processed data sequence with the second set of filter characteristics to generate a filtered processed data sequence (see Fig. 2 and Fig. 4, lines 27-21).

As to claims 3, 7, 33, 35, and 58, Alelyunas further discloses that step (c) further comprises determining a difference between the filtered processed data sequence (see Fig. 2) and an ideal filtered processed data (i.e. the output of the Decision Mechanism device) sequence to produce the filtered error term.

As to claims 8 and 36, Alelyunas further discloses that step (c) further comprises convolving the error term with the second set of filter characteristics (DFE) to generate the filtered error term (see Fig. 5).

As to claims 10, 38, 67, 91, and 109 Alelyunas further discloses that each of the first and second sets of filter characteristics comprises an error filter (see Filters 102 and 108).

As to claims 12 and 40, Alelyunas further discloses that the data sequence comprises a digital data signal (see column 4, line 14).

As to claims 13 and 41, Alelyunas further discloses step a) comprises equalizing the data sequence, wherein the processed data sequence comprises an equalized data signal (see Fig. 5), the filtered processed data sequence comprises a filtered equalized data signal, and an ideal filtered processed data sequence comprises an ideal filtered equalized data signal.

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As to claims 14, 42, 93, and 110, Alelyunas further discloses that the first and second sets of filter characteristics are configured to minimize a dominant error type (see column 4, lines 17-19).

As to claim 32, Alelyunas further discloses that the filtering step (c) comprises convolving the processed data sequence with a first filter comprising the set of filter characteristics to generate a filtered processed data sequence (see Fig. 5).

As to claim 34, Alelyunas discloses that step (c) comprises (i) detecting a sequence of the processed data sequence (receiving the processed data sequence by DFE has been interpreted as detecting a sequence of the processed data sequence) (ii) convolving the processed data sequence with the second set of filter characteristics to generate a filtered processed data sequence (see Fig. 2 and Fig. 4, lines 27-21).

As to claims 50, 75, 98, Alelyunas further discloses that the equalizer comprises an adaptive finite impulse response filter (see column 3, lines 40-44).

As to claim 51 and 99, Alelyunas further discloses that the adaptive algorithm comprises a least-mean-squares (LMS) gradient algorithm (see column 4, line 17).

As to claims 52 and 76, Alelyunas further discloses that the error term circuit further comprises a signal processor configured to receive the equalized data output (see Fig. 5 and line 14-16).

As to claim 59, Alelyunas further discloses that the subtractor is configured to subtract one of the equalized data output and the ideal equalized data output from the other of the equalized data output and the ideal equalized data output (see Fig. 5).

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As to claim 60, Alelyunas further discloses that the second filter receives the error term and provides a filtered equalized data output (see Fig. 5).

As to claims 61 and 106, Alelyunas discloses that the second filter receives the equalized data output and provides a filtered equalized data output (see Fig. 5).

As to claim 71, Alelyunas discloses that the apparatus is comprising a receiver to receive data from a magnetic storage and provide the data sequence (see column 1, line 26).

As to claim 82, Alelyunas further discloses a means for providing an error term, configured to receive the equalized data signal and an ideal equalized data signal (see Fig. 5).

As to claim 83, Alelyunas further discloses that the subtractor is configured to subtract one of the equalized data output and the ideal equalized data output from the other of the equalized data output and the ideal equalized data output (see Fig. 5).

As to claim 84, Alelyunas further discloses that the second means for filtering receives the error term (see Fig. 5, DFE) and provides the filtered error term.

As to claim 85, Alelyunas further discloses that the second means for filtering receives the equalized data signal and provides a filtered equalized data signal (see Fig. 5).

As to claim 86, Alelyunas discloses that means for providing the filtered error term further comprises a means for processing (i.e. equalizing by the second equalizer) the equalized data signal (see Fig. 5).

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As to claims 97 and 115, Alelyunas discloses a system for reading magnetically recorded data, comprising: the architecture of claim 49 (see the rejection for claim 49); and at least one receiver communicatively coupled to the architecture for receiving the first data sequence (see column 1, lines 23-27).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 17-26, 28, and 29, 44-48, 69, and 116 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alelyunas.

As to claims 17 and 44, Alelyunas does not expressly disclose a computer-readable medium or waveform containing a set of instructions which, when executed by a signal processing device configured to execute computer-readable instructions, is configured to perform the method of claim 1. However, it would have been obvious to one of ordinary skill in the art at the time of invention to use a computer-readable medium to store a set of instructions and transfer such instructions to the receiver to carry out the data processing on the received signal.

As to claims 18 and 45, Alelyunas further discloses that the adaptive algorithm comprises an adaptive finite impulse response (FIR) algorithm (see column 3, lines 40-44).

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As to claims 19 and 46, Alelyunas further discloses that the adaptive FIR algorithm comprises a least-mean-squares (LMS) gradient algorithm (see column 4, line 17).

As to claim 20, Alelyunas further discloses that processing step a) comprises equalizing the data sequence (see Fig. 5).

As to claim 21, Alelyunas discloses that step (c) comprises (i) detecting a sequence of the processed data sequence (receiving the processed data sequence by DFE has been interpreted as detecting a sequence of the processed data sequence) (ii) convolving the processed data sequence with the second set of filter characteristics to generate a filtered processed data sequence (see Fig. 2 and Fig. 4, lines 27-21).

As to claims 22 and 23, Alelyunas further discloses that step (c) further comprises determining a difference between (i.e. subtracting) the filtered processed data sequence (see Fig. 2) and an ideal filtered processed data (i.e. the output of the Decision Mechanism device) sequence to produce the filtered error term.

As to claim 24, Alelyunas further discloses that step (c) further comprises convolving the error term with the second set of filter characteristics (DFE) to generate the filtered error term (see Fig. 5).

As to claim 25, Alelyunas further discloses that each of the first and second sets of filter characteristics comprises an error filter (see Filters 102 and 108).

As to claims 26 and 69, Alelyunas further discloses that the first and second sets of filter characteristics are configured to minimize a dominant error type (see column 4, lines 17-19).

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As to claims 28 and 47, Alelyunas further discloses that the data sequence comprises a digital data signal (see column 4, line 14). Therefore, inherently the set of instructions comprises binary code.

As to claims 29 and 48, Alelyunas further discloses that the data sequence comprises a digital data signal (see column 4, line 14).

As to claim 116, Alelyunas discloses all the subject matters claimed in claim 116, except that the computer has a hard disk drive. However, it would have been obvious to one of ordinary skill in the art at the time of invention to use a hard disk drive in a computer system to store and retrieve the information.

13. Claims 4, 9, 37, 53-55, 62, 63, 77-79, 87-89,100, 101,104, and 105, are rejected under 35 U.S.C. 103(a) as being unpatentable over Alelyunas, in view of Applicant's admitted prior art (background of invention).

As to claims 4 and 9, Alelyunas discloses all the subject matters claimed in claims 3, 7 except that the method further comprising: convolving the detected processed data sequence with a third set of filter characteristics to generate the ideal filtered processed data sequence. Applicant in the background of invention shows that the output of the FIR filter 12 has been detected by sequence detector 14. Applicant in the background of invention further discloses convolving the detected processed data sequence with a third set of filter characteristics to generate the ideal filtered processed data sequence (see Target filter 16). It would have been obvious to one of ordinary skill in the art at the time of invention to use a sequence detector and a target filter to generate an ideal, noiseless data signal from the equalizers (see paragraph 0003).

As to claims 37 and 101, Alelyunas discloses all the subject matters claimed in claims 35 and 100, except that the method further comprising: convolving the detected processed data sequence with a third set of filter characteristics to generate the ideal filtered processed data sequence. Applicant in the background of invention shows that the output of the FIR filter 12 has been detected by sequence detector 14. Applicant in the background of invention further discloses convolving the detected processed data sequence with a third set of filter characteristics to generate the ideal filtered processed data sequence (see Target filter 16). It would have been obvious to one of ordinary skill in the art at the time of invention to use a sequence detector and a target filter to generate an ideal, noiseless data signal from the equalizers (see paragraph 0003).

As to claims 53, 77, and 100, Alelyunas discloses all the subject matters claimed in claims 53, 77, and 11, except that the signal processor comprises a sequence detector configured to provide a sequence detected equalized data output. Applicant in the background of invention shows that the output of the FIR filter 12 has been detected by sequence detector 14. Applicant in the background of invention further discloses convolving the detected processed data sequence wit ha third set of filter characteristics to generate the ideal filtered processed data sequence (see Target filter 16). It would have been obvious to one of ordinary skill in the art at the time of invention to use a sequence detector to generate an ideal, noiseless data signal from the equalizers (see paragraph 0003).

As to claim 104, Alelyunas further discloses that step (c) further comprises determining a difference between the filtered processed data sequence (see Fig. 2) and

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an ideal filtered processed data (i.e. the output of the Decision Mechanism device) sequence to produce the filtered error term.

As to claim 105, Alelyunas further discloses that the second filter receives the error term and provides a filtered equalized data output (see Fig. 5).

As to claim 54, 55, 62, 63, 78, 79, 87, and 88, Alelyunas discloses all the subject matters claimed in the above claims, except that the signal processor comprises a sequence detector configured to provide a sequence detected equalized data output. Applicant in the background of invention shows that the output of the FIR filter 12 has been detected by sequence detector 14. Applicant in the background of invention further discloses convolving the detected processed data sequence with a third set of filter characteristics (i.e. a target filter) to generate the ideal filtered processed data sequence (see Target filter 16). It would have been obvious to one of ordinary skill in the art at the time of invention to use a sequence detector and a target filter to generate an ideal, noiseless data signal from the equalizers (see paragraph 0003).

As to claim 89, Alelyunas further shows (see Fig. 5) that the apparatus further comprises a means for generating the filtered error term, configured to receive the filtered equalized data signal and the ideal filtered equalized data signal (i.e. output of the decision mechanism).

14. Claims 11 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alelyunas, in view of Lu (US 6,768,796).

As to claims 11 and 39, Alelyunas discloses all the subject matters claimed in claim 10 and 38, except that filtering further comprises transposing a channel response

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to generate at least a subset of the first set of filter characteristics. Lu, discloses a method and system for echo (noise, error) cancellation in a communication network (see the abstract). Lu further discloses that an adaptive filter 408 generates and updates filter tap coefficients vector 408 to model the characteristics impulse response of the echo channel 402, so that the far end signal can be adaptively filtered to create a local replica of the far end echo, or an echo estimate signal (See column 8, lines 29-38). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Alelyunas as suggested by Lu to estimate the echo signal and therefore cancel the noise (echo) more accurately.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. (6,633,894).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leila Malek whose telephone number is 571-272-8731.

The examiner can normally be reached on 9AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 571-272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Leila Malek Examiner Art Unit 2611

L.M

MOHAMMED CHAYOUR
CURERVISORY PAPERT EXAMINER